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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

CATHERINE CASTELLANOS,  
LAUREN COURTNEY, RACHEL  
JASPER, BRIANNA MORALES,  
VICTORIA RACHET, LILY STAGNER,  
NATALEE WELLS, CECELIA  
WHITTLE, and MARYANN ROSE  
BROOKS, on behalf of themselves and all  
other similarly situated,

Plaintiffs,

vs.

CITY OF RENO and MICHAEL  
CHAUMP, in his official capacity as  
Business Relations Manager of  
Community Development and Business  
Licenses for the CITY OF RENO and  
DOES I through 10, inclusive,

Defendants.

CASE NO.: 3:19-cv-00693-MMD-CLB

Related Prior Case No.:  
3:17-cv-00574-MMD-VPC

**DEFENDANTS CITY OF RENO AND  
MICHAEL CHAUMP'S OPPOSITION  
TO THIRD PARTIES' MOTION FOR  
PROTECTIVE ORDER (ECF 39)**

Defendants City of Reno ("City") and Michael Chaump ("Chaump") (collectively,  
"Defendants" or the "City"), by and through their attorneys, Reno City Attorney Karl S. Hall,

1 and Deputy City Attorney William J. McKean, hereby submit their Opposition to Third Parties'  
 2 Motion for Protective Order, filed by Wild Orchid, Fantasy Girls, Spice House, The Men's Club,  
 3 and Pangborn & Co., Ltd. (the "Subpoenaed Non-Parties"). ECF 39.

4 **ARGUMENT**

5 On July 21, 2020, the City served subpoenas on each of the Subpoenaed Non-Parties.

6 **Exhibit 1** (Affidavits of Service). On August 7, 2020, the named Plaintiffs in this case moved to  
 7 quash the non-party subpoenas. ECF 34. The City responded on August 21, 2020, pointing out:  
 8 (i) Plaintiffs lack standing to challenge the non-party subpoenas, and (ii) Plaintiffs failed to show  
 9 the requested information is not relevant. ECF 36. The City also noted that ***only one*** of the  
 10 Subpoenaed Non-Parties (Pangborn) had responded in any way to City's subpoenas. *Id.*, Ex. 4.

11 Now, the Subpoenaed Non-Parties have filed the instant motion in an explicit attempt to  
 12 cure the standing defect in Plaintiffs' motion to quash. Such an attempt is unavailing.

13 First, not one of the Subpoenaed Non-Parties timely objected to the subpoenas. FRCP  
 14 45(d)(2)(B) (objections to a document subpoena must be served in writing "before the earlier of  
 15 the time specified for compliance or 14 days after the subpoena is served"). Accordingly, each  
 16 of the Subpoenaed Non-Parties has waived any objections it may now wish to assert, and the  
 17 City is entitled to all of the documents requested in the respective subpoenas. *Munoz v. Chartis*  
 18 *Property Cas. Co.*, No. 14-87, 2014 WL 3375509, at \* 2 (D. Nev. July 7, 2014) (third-party  
 19 corporate subpoena recipients waived all objections due to their failure to timely object pursuant  
 20 to Rule 45; granting motion to compel and ordering that subpoena recipients produce full  
 21 responses, without objection); *Avila v. Cate*, No. 09-918, 2013 WL 2456482, at \* 3 (E.D. Cal.  
 22 June 6, 2013) (holding that Magistrate Judge did not err in finding that third-party's objections to  
 23 subpoena were untimely and therefore waived).

24 Second, Subpoenaed Non-Parties' motion fails to include any "certification that the  
 25 movant has in good faith conferred or attempted to confer with other affected parties . . ." FRCP  
 26 26(c). Accordingly, it should not be considered by the Court. Local Rule 26-6(c).

27 Third, even if the motion were to be considered, the Subpoenaed Non-Parties have not  
 28 met their burden. Here, the Subpoenaed Non-Parties vaguely state that the "burden of

1 production is substantial,” and “very intrusive into the affairs” of other persons. ECF 39 at 2.  
2 Such amorphous assertions are insufficient bases for the issuance of a protective order. *Foltz v.*  
3 *State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1130-31 (9th Cir. 2003) (“A party asserting good  
4 cause bears the burden, for each particular document it seeks to protect, of showing that specific  
5 prejudice or harm will result if no protective order is granted”) (internal citations omitted);  
6 *Deford v. Schmid Prods. Co.*, 120 F.R.D. 648, 653 (D. Md. 1987) (requiring party requesting a  
7 protective order to provide “specific demonstrations of fact, supported where possible by  
8 affidavits and concrete examples, rather than broad, conclusory allegations of potential harm”).  
9 The Subpoenaed Non-Parties provide no specific bases as to how and why each document  
10 request is a “burden” or “very intrusive.”

11 For the reasons stated above, the Court should deny Third Parties’ Motion for Protective  
12 Order.

13 DATED this 18th day of September, 2020.

14 KARL S. HALL  
15 Reno City Attorney

16 By: /s/ William J. McKean  
17 WILLIAM J. McKEAN  
18 Deputy City Attorney  
19 CHANDENI K. SENDALL  
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22 Reno, Nevada 89505  
23 *Attorneys for Defendants City of Reno*  
24 and Michael Chaump

## **CERTIFICATE OF SERVICE**

Pursuant to LR IC 5-1, I certify that I am an employee of the RENO CITY ATTORNEY'S OFFICE, and that on this date, I am serving the foregoing document(s) on the party(s) set forth below by:

Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada, postage prepaid, following ordinary business practices.

## Personal delivery.

CM/ECF electronic service, addressed as follows:

Mark R. Thierman, Esq. *mark@thiermanbuck.com*  
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Facsimile (FAX).

Federal Express or other overnight delivery.

## Reno/Carson Messenger Service.

DATED this 18<sup>th</sup> day of September, 2020.

By: /s/ Jeanette Sparks  
Jeanette Sparks  
Legal Assistant

## Exhibit List

| Ex. | Document              |
|-----|-----------------------|
| 1   | Affidavits of Service |